



Our Ref: KOMPAT 1807

Client's ref: P6179-001-0000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of: H. YANAGISAWA :
Serial No. : 10/631,910 : Art Unit: 1733
Filed : July 31, 2003 : Examiner: T. Chea
For : THERMALLY DEVELOPABLE :
PHOTOSENSITIVE MATERIAL
AND IMAGE FORMING METHOD :

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DECLARATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S i r:

I, Hiroyuki Yanagisawa, hereby declare and say as follows:

1. I am a named Inventor in this Application.
2. I received a Masters Degree in Chemistry from Shinsyu University in 1995. I was then employed by Konica Corporation, the Assignee, now Konica Minolta

Medical & Graphic, Inc. Since my engagement, I have been constantly working in the field of research and development of photographic materials.

3. I am aware that the Examiner has rejected the claims in this Application based on U.S. Patent 6,699,649 (Nishijima); EP 1278101 (European equivalent of Nishijima); USP 6,268,118 (Iwasaki); USP 6,413,712 (Yoshioka); USP 6,376,166 (Oya) and USP 6,284,442 (Van Ackere). I am also aware that the Examiner is taking the position that each one of these references inherently teaches a material that has the value of $(L*u*v^*)$ in the CIELAB System as recited in the claims.

4. In order to demonstrate that the material, which is taught in the cited reference, does not inherently possess the properties of the material claimed in the present Invention, five separate materials were prepared and tested in accordance with the present Invention to determine if their coefficient of determination, R^2 , met the claim i.e. R^2 of 0.998 to 1.000. These tests were performed by me or under my direct supervision and control.

5. The following materials were prepared for testing:

a. Material in accordance with Nishijima was prepared by following Example 1, Sample No. 102, as reported in Table 2 of Nishijima.

b. Material in accordance with Iwasaki was prepared by following Example 2 and preparing Sample No. 12 as recited in Table 2 of Iwasaki.

c. Material in accordance with Yoshioka was prepared by following Sample 5 in Table 1 of Yoshioka.

d. Material in accordance with Oya was prepared by preparing Sample 102 as reported in Table 1 of Oya.

e. Material in accordance with Van Ackere was prepared by following Sample No. 5 as reported in Table 1 of Van Ackere.

6. These samples were then tested in accordance with the Application, as recited on pages 204-207, exposing and developing them in order to obtain the u^* and v^* values in order to plot the same to obtain the R^2 value. The u^* and the v^* value at D_{min} , $D = 0.5$, $D = 1$ and $D = 1.5$ were measured and are recited in the attached Table and the R^2 value was obtained from the plot of u^* versus v^* . The plot also is attached hereto. The R^2 value for each of the materials is recited in the Table.

7. As can be seen from the attached Table, the R^2 value for each one of these materials was outside the range of 0.998 to 1.000.

8. I am of the opinion that the material of each one of the references that I tested is an accurate reflection of the teachings of these references. I am also of the opinion that this demonstrates that the material of these references does not always result in the material that has an R^2 value from 0.998 to 1.000.

It is declared by undersigned that all statements made herein of undersigned's own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements and the like so made are punishable by fine or imprisonment, or both, under section 18 U.S. Code 1001, and that such willful false statements may jeopardize the validity of this Application or any patent issuing thereon.

Hiroyuki Yanagisawa
Hiroyuki Yanagisawa

Dated: This 21th day of Dec. , 2004.

Encl: Table with Graph

DCL/mr



No.	USP6,699,649 (NISHIJIMA) Table2 No.102		USP6,268,118 (IWASAKI) Table2 No.1 2		USP6,413,712 (YOSHIOKA) Table1 No.005		USP6,376,166 (OYA) Table1 No.102		USP6,284,422 (VAN ACKERE) Table1 No.5	
	u*	v*	u*	v*	u*	v*	u*	v*	u*	v*
Dmin	-12.6	-13.1	-13.9	-10.8	-14.9	-13.1	-14.1	-11.5	-18.3	-13.5
D=0.5	-11.5	-13.4	-13.2	-11.2	-12.2	-13.8	-11.3	-11.7	-15.9	-14.0
D=1.0	-8.0	-12.6	-8.4	-11.0	-8.2	-12.0	-7.9	-11.9	-10.0	-11.1
D=1.5	-4.8	-9.3	-5.1	-7.9	-4.8	-8.6	-4.7	-9.1	-5.7	-7.8
R2	0.879		0.697		0.940		0.683		0.983	
intercept	-6.9		-6.7		-5.6		-7.8		-4.7	
gradient	0.6		0.4		0.7		0.4		0.600	

